

**REMARKS****Summary of the Office Action**

Claims 11-37 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 11, 22, 28 and 34-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ogata et al. (U.S. Patent No. 5,940,364) (hereinafter "Ogata").

Claims 12-21, 23-27 and 29-33 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, first paragraph.

Claims 12-21, 23-27 and 29-33 are allowable over the prior art of record.

**Summary of the Response to the Office Action**

Applicants have canceled claims 13, 24, 30, 34 and 37 without prejudice or disclaimer. Applicants have also amended claims 11, 14-18, 20-22, 25-28 and 31-33 to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Accordingly, claims 11, 12, 14-23, 25-29, 31-33, 35 and 36 remain pending for consideration.

**Rejection under 35 U.S.C. § 112, First Paragraph**

Claims 11-37 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have deleted the portions of independent claims 11, 22 and 28 referred to by the Examiner at page 2, section 2 of the Office Action, rendering the rejection moot. Also, Applicants have canceled claims 34 and 37, rendering the

rejections of these claims moot. Applicants respectfully submit that the remaining claims, as newly-amended, fully comply with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

**Rejection under 35 U.S.C. § 102(b)**

Claims 11, 22, 28 and 34-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ogata. Applicants have canceled claims 34 and 37, rendering the rejection of these claims moot. The Examiner is thanked for the indication that claims 12-21, 23-27 and 29-33 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, first paragraph. As discussed in the foregoing section, the rejections under 35 U.S.C. § 112, first paragraph have been overcome by the concurrently-filed claim amendments. In addition, independent claim 11 has been amended to include allowable features of claim 13, independent claim 22 has been amended to include allowable features of claim 24, and independent claim 28 has been amended to include allowable features of claim 30. As a result, claims 13, 24 and 30 have been canceled without prejudice or disclaimer. In addition, minor changes have been made to the features of claim 24 to conform more closely to the similar features of claim 30.

Accordingly, Applicants respectfully submit that independent claims 11, 22 and 28, as newly-amended, are now in prima-facie condition for allowance.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(e) should be withdrawn because Ogata does not teach or suggest each feature of independent claims 11, 22 and 28, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the

reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the remaining dependent claims are allowable at least because of their dependence from independent claim 11, 22 or 28, as amended, and the reasons set forth above. Accordingly, Applicants respectfully request that the outstanding claim objections also be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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